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UNCLASSIFIED

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PROG 9-23-83

CDA:JABUSHNELL

POL:JFKING/CDA:JABUSHNELL:BK

NONE

POL-3 CDA ECON, DAO MILGP USIS, SCI CONS DEA, CHRON

AMEMBASSY BUENOS AIRES
 SECSTATE WASHDC, IMMEDIATE
 INFO AMEMBASSY MONTEVIDEO
 AMEMBASSY ASUNCION
 AMEMBASSY SANTIAGO
 USCINCSO QUARRY HTS PN
 CINCLANT NORFOLK VA

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/PS

Margaret P. Grafeld, Director

☒ Release ☐ Excise ☐ Deny

Exemption(s):

Declassify: ☐ In Part ☒ In Full☐ Classify as ☐ Extend as ☐ Downgrade toDate ☐ Declassify on ☐ Reason

CINCSO FOR INTAFF, CINCLANT ALSO FOR POLAD

E.O. 12356: DECL:OADR

TAGS: SHUM, PGOV, AR

SUBJECT: AMNESTY LAW ISSUED

1. (U) PRESIDENT BIGNONE ON SEPTEMBER 23 ISSUED THE CONTROVERSIAL AMNESTY, DECREED BY THE THREE ARMED FORCES TO CLOSE THE FINAL CHAPTER ON THE DIRTY WAR AGAINST SUBVERSION. THE LAW, TERMED IN THE PRESIDENTIAL ANNOUNCEMENT "A GROUP OF NORMATIVE AND POLITICAL MEASURES FOR THE DEFINITIVE PACIFICATION OF THE COUNTRY", GRANTS LEGAL IMMUNITY TO THOSE ON BOTH SIDES IN THE WAR WHO MIGHT BE LIABLE TO CRIMINAL PROSECUTION FOR THEIR ACTS.

2. (U) ON SEPTEMBER 22 THE JUNTA ISSUED A STERN WARNING THAT IT WOULD TAKE ALL MEASURES TO INSURE PUBLIC SECURITY AND SUCCESSFUL COMPLETION OF THE TIMETABLE FOR ELECTIONS ON OCTOBER 30. THE JUNTA STATEMENT REFLECTED CONCERN WITH RECENT SOCIAL UNREST RESULTING FROM WAGE DEMANDS, BUT ITS MESSAGE ALSO WAS AIMED AT THE HUMAN RIGHTS ORGANIZATIONS' TACTIC OF TAKING TO THE STREETS WITH INCREASING REGULARITY AND WITH THE PLAN OF ISSUING THE AMNESTY DECREE THE NEXT DAY. / ?

8-23, 178/293

REF ID: A63180

3. (U) THE AMNESTY ITSELF BENEFITS THOSE NOT YET CHARGED OR PUNISHED WHO COMMITTED TERRORIST ACTS ON ONE SIDE OR, WHERE SECURITY FORCES OPERATED ON THE OTHER, EXCESSES IN REPRESSION OF TERRORISM. EXCLUDED FROM THE AMNESTY ARE THOSE WITH SUBVERSIVE BACKGROUNDS OR CONNECTIONS WHO RESIDE ABROAD, MAINTAINING THE POSSIBILITY OF LEGAL ACTION SOME OF THE MORE NOTORIOUS### TERRORIST LEADERS###

SIBILITY OF LEGAL ACTION AGAINST SOME OF THE MORE NOTORIOUS TERRORIST LEADERS. THE PERIOD COVERED BY THE AMNESTY IS FROM THE ASSUMPTION OF POWER BY THE LAST CONSTITUTIONAL GOVERNMENT IN MAY OF 1973 TO THE INSTALLATION OF BIGNONE IN JUNE OF 1982.

4. (U) THE LONG, HIGHLY-PUBLICIZED GESTATION PROCESS OF THE AMNESTY MADE##HAS MADE THE POLITICAL PARTIES TAKE A POSITION ON THE LAW, PRACTICALLY ALL HAVING DECLARED THEMSELVES AGAINST THE PROJECT. RADICAL PRESIDENTIAL CANDIDATE RAUL ALFONSIN HAS MADE HIS OPPOSITION TO THE AMNESTY A MAJOR CAMPAIGN ISSUE AND HAS PROMISED TO LEAD AN EFFORT TO NULLIFY IT WHEN A CONGRESS IS FORMED. ITALO LUDER, THE PERONIST STANDARD-BEARER, HAS BEEN MUCH MORE AMBIGUOUS BUT HAS PREDICTED THE AMNESTY WILL BE OVERTURNED BY THE LEGISLATURE BECAUSE IT DOES NOT REFLECT POPULAR WISHES. NOT RESOLVED IN THE AMNESTY DEBATE SO FAR IS THE QUESTION WHETHER SUCH AN AMNESTY, EVEN IF NULLIFIED, WOULD STILL HAVE WEIGHT IN THE COURTS AND THEREBY PROVIDE SOME PROTECTION FOR THOSE VULNERABLE TO PROSECUTION.

5. [REDACTED] COMMENT: WHILE THE POLITICAL PARTIES HAVE BEEN PRESSED BY THE HUMAN RIGHTS ACTIVISTS TO TAKE A POSITION AGAINST THE AMNESTY LAW, SEVERAL SENIOR POLITICAL FIGURES FROM BOTH PARTIES HAVE TOLD US PRIVATELY THAT THEY ARE PLEASED TO HAVE THIS STEP TAKEN WITHOUT THEIR BEING ASSOCIATED WITH IT. MOST POLITICIANS RECOGNIZE THAT ATTEMPTS BY THE NEW CIVILIAN GOVERNMENT TO PROSECUTE MORE THAN A HANDFUL OF MILITARY LEADERS WOULD BE DE-STABILIZING. POLITICIANS WILL ENGAGE IN LONG DEBATE ON THE AMNESTY IN THE CONGRESS; LAWYERS WILL ENDLESSLY DEBATE THE MEANING OF REPEAL OR MODIFICATIONS OF THE AMNESTY; PERHAPS THEN WILL BE SOME DRAWN OUT ACTIONS IN THE COURTS. ACTUALLY PROVING CRIMES IN THE COURTS WILL BE A GREAT DEAL MORE DIFFICULT THAN RUNNING ARTICLES MAKING ACCUSATIONS IN THE PRESS.

6. [REDACTED] AMNESTIES HAVE BEEN AN INTEGRAL PART OF THE ESTABLISHMENT OF LASTING DEMOCRACIES IN SEVERAL NOW-DEMOCRATIC COUNTRIES (VENEZUELA, SPAIN). THUS IN TERMS OF FUTURE HUMAN RIGHTS IN ARGENTINA THE AMNESTY MAY BE A CONSTRUCTIVE STEP HELPING TO ASSURE CONTINUED DEMOCRATIC RULE WHICH IS THE UNDERPINNING OF GOOD HUMAN RIGHTS. ARGENTINA NEEDS TO LOOK FORWARD, NOT BACK. HOWEVER, THE HUMAN RIGHTS COMMUNITY IN ARGENTINA AND AROUND THE WORLD, WHICH IS EMOTIONAL ABOUT PUNISHING THOSE WHO COMMITTED HUMAN RIGHTS ABUSES DURING THE DIRTY CIVIL WAR, WILL MOUNT A STRONG VERBAL ATTACK ON THE AMNESTY. I URGE THAT THE DEPARTMENT NOT JOIN THAT ATTACK.

7. (U) THE EMBASSY SUGGESTS THAT, IF WE MUST SAY SOMETHING IN RESPONSE TO QUERIES ABOUT THE AMNESTY, THE DEPARTMENT RESPOND ALONG THE FOLLOWING LINES: QUOTE: WE BELIEVE THAT THE RETURN TO A FREE, DEMOCRATIC SYSTEM, WHICH IS WELL UNDERWAY IN ARGENTINA, OFFERS THE BEST LONG-TERM PROTECTION OF INDIVIDUAL HUMAN RIGHTS. WHETHER OR NOT AN AMNESTY LAW SHOULD BE PART OF THIS PROCESS CAN ONLY BE DECIDED BY THE ARGENTINES THEMSELVES. THEREFORE, WE WOULD NOT WISH TO EXPRESS A VIEW ON THIS LAW. UNQUOTE. BUSHNELL**

[REDACTED]